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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/601,014

07/24/2000

LOTHAR KUMPEL

21527

4353

535

7590

08/07/2002

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EXAMINER

HUYNH, LOUIS K

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 08/07/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application N .

09/601,014

Applicant(s)

KUMPEL, LOTHAR

Examiner

Louis K. Huynh

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2002 .
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, line 12: the phrase “a respective display” is ambiguous for it is unclear whether the phrase is used to indicate a visible display on a screen or a physical displayer for displaying a visible display.

Claim 9, line 2: “the computer and memory are a common unit” is in direct contradictory in scope with respect to claim 7 which sets forth existing memory unit that can only be connected to the computer of the claimed improvement since making the memory and the computer into a common unit requires technology and skill beyond the level of an ordinary skilled person in the art.

Claim 11 is not understood as to why a computer inherently having a microprocessor capable of calculating millions of operations per second requires a plurality of individual calculators at each position sensor for determining the respective difference.

Claim 12 is in direct contradictory in scope with respect to claim 7 which sets forth existing position detectors that can only be connected to displayers of the claimed improvement since integration of a displayer with an existing position detector requires technology and skill

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beyond the level of an ordinary skilled person in the art. Furthermore, the phrase “the position detector” (line 2) lacks proper antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7-12, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Roch et al. (US 4,847,775).

Roch et al. discloses an apparatus for making folded containers including: machine elements (gluer jaws, creasing conveyors and folders, see Figure 7) for acting on a box blank; position sensors connected to a calculating unit (134) via a control bus (32) for detecting the actual positions of the machine elements (column 5, lines 46-49); a memory unit (135) connected to the calculating unit (134) via the control bus (32); wherein each of the machine elements is associated with a respective display on a touch screen (26) which displays graphically or alpha numerically necessary information so that the machine elements can be adjusted by an operator (column 2, line 66 – column 3, line 10).

With respect to claims 11 and 12, the position sensors, the calculating unit and the displays are integrated within a system for monitoring the registration of the blank in the disclosed machine for making folded container.

***Response to Arguments***

5. Applicant's arguments filed June 06, 2002 (Paper No. 6) have been fully considered but they are not persuasive. Applicant contends that the present invention is an improvement on a manually set box-folding machine having manually positionable machine elements which is different from the new and sophisticated machine of Roch et al. (US 4,874,775) and thus does not anticipate the claimed invention. This is not found persuasive because after an existing machine having been improved upon, the existing machine would have become a new computerized box-folding system having a computer and displays connected thereto for calculating and displaying, respectively, the difference between the actual positions and the desired positions, and such machine would have been anticipated by the applied prior art (the Roch et al. reference).

With respect to the argument that the machine of Roch et al. does not appear to have any manually positionable elements, this is also not found persuasive because all machine elements in the Roch et al. reference are manually positionable by an operator via a touch screen 26 (column 2, line 66 – column 3, line 10).

With respect to the argument that the machine of Roch et al. does not appear to have any display at the positionable elements, this is also not found persuasive because there is a display associated with each of the positionable machine elements in the Roch et al. machine (column 2, line 66 – column 3, line 4).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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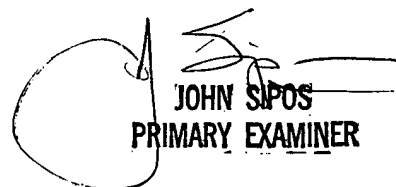
7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

LH  
August 5, 2002

  
JOHN SIPOS  
PRIMARY EXAMINER